

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 15-154 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

William Andrew Clark,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated July 13, 2015 (Doc. No. 29) regarding Defendant William Andrew Clark's ("Defendant") Motion to Suppress Statements (Doc. No. 23). No objections have been filed to that Report and Recommendation in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In his Report and Recommendation, the Magistrate Judge concluded that, based upon an analysis of the six indicia of custody used to determine whether Defendant was in custody for purposes of *Miranda*, a reasonable person in Defendant's position "would have felt free to terminate the interview, and as such, Defendant was not in custody for purposes of *Miranda*." (Doc. No. 29 at 8.) The Magistrate Judge further concluded that there was no merit to Defendant's argument that his statements were not made voluntarily because nothing in the record indicated that Defendant's "capacity for self-determination was at

all impaired” and no “coercive methods” were employed. (*Id.* at 8-9.) Based on these conclusions, the Magistrate Judge recommended that Defendant’s Motion to Suppress Statements be denied.

Having reviewed the record, the Court agrees with the Magistrate Judge and sees no reason for deviation from the Magistrate Judge’s Report and Recommendation. Therefore, based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois’s Report and Recommendation (Doc. No. [29]) is **ADOPTED**.
2. Defendant’s Motion to Suppress Statements (Doc. No. [23]) is **DENIED**.

Dated: August 19, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge